

August 19, 1942

Dr. G.F. Manning, Superintendent
Arizona State Department of Health
Phoenix, Arizona.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Sir:

Attention Hilda H. Kroeger, M.D. Director
Maternal and Child Health Division

This is in answer to your request of August 17, 1942, for our opinion upon the following question:

"Is it your opinion that a licensed naturopathic physician may sign a death certificate as the one who has been in medical attendance on the deceased?"

Section 68-605, A.C.A. 1939, provides for a certificate of death and what it shall contain. In paragraph 14 thereof it specifically provides:

"A medical certificate made and signed by the physician, if any, last in attendance on the deceased, specifying the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred, the cause of death, the course of disease or sequence of causes resulting in the death, naming the disease causing death and the contributory cause, if any, and the duration of each; indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, are not sufficient for the issuance of a burial or removal permit, and a certificate containing only such terms, as defined by the registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement.

"Causes of death shall be carefully defined, and if from violence, the means of injury shall be stated, and whether appearing accidental, suicidal, or homicidal. In deaths in hospitals or institutions, or of non-residents, the physician shall state the length of residence at place of death, if he is able to do so, and where, in his opinion, the disease was contracted."

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You will note that the law requires "A medical certificate made and signed by the physician, if any, last in attendance on the deceased * * *." The certificate must also give the disease and the contributory cause, if any, duration of illness, and other particulars. A complete medical certificate must be given before the issuance of a burial permit.

Naturopathy is defined in Section 67-1205, A.C.A. 1939, as follows:

"For the purpose of this act, naturopathy, which includes all forms of physiotherapy, is hereby defined to be: A system of treating the abnormalities of the human mind and body by the use of drugless and non-surgical methods, and includes the use of physical, electrical, hygienic, and sanitary measures incident thereto."

Naturopathy is considered to be the practice of medicine only in a limited field. Any deviation from the practice in such limited field of medicine is not authorized. Therefore we do not believe that a naturopathic physician can fulfill the requirements necessary to completely diagnose the cause of death as required by paragraph 14 of Section 68-605, supra. In the case of State vs. Fahey, 188 N.W. 260, the Supreme Court of Minnesota had the opportunity to render its opinion upon a similar question. Although there it involved a chiropractor, we believe that in view of our statutes the same principle will apply to a naturopath. Said Court states at page 261 thereof:

"The statute requires in case of death 'a medical certificate subscribed by the attending physician.' G.S. 1913, Sec. 4652; Laws 1917, C 220, Laws 1921, c. 274. The certificate must give the disease or injury, the contributing cause or complication, duration of illness, and other particulars. The relator is a chiropractor as defined by Laws 1919, c. 64. A patient whom he was attending died. He tendered a death certificate in proper form. The respondents refused to receive it because he was a chiropractor. The question is whether a chiropractor is an attending physician within the meaning of the statute cited.

"By Laws 1919, c. 64, Sec. 2, chiropractic is defined as 'the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged

nerves that may cause pain or deranged function.' Prior to this chiropractic did not have statutory recognition. Sections 5 and 6 provide for the examination and licensing of chiropractors. Preliminary educational qualifications are required, and a course of study is prescribed. By section 8 they are subject to the same rules and regulations that govern other licensed doctors or physicians in the control of contagious and infectious diseases, and are entitled to the rights and privileges of other doctors and physicians in matters pertaining to the public health, but they may not prescribe internal drugs nor practice surgery or obstetrics; and their practice is declared not to be the practice of medicine, surgery or osteopathy.

"The certificate required is a 'medical' certificate. For many years this has been understood as the certificate of a medical man of general scientific attainments in the profession of medicine. See Goss v. Goss, 102 Minn. 346, 113 N.W. 690. The chiropractor can practice only in a limited field. His diagnosis or practice cannot cover the general field of medicine or surgery. One purpose of the statute, though not the only one, is the preservation of vital statistics."

We are therefore of the opinion that a naturopathic physician may not legally sign a death certificate as the one who has been in medical attendance on the deceased in this State.

Respectfully submitted,

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